

2023CP400 3856

STATE OF SOUTH CAROLINA

COUNTY OF RICHLANDERIC ALAN SANDERS

Plaintiff(s)

vs.

South Carolina Department of Revenue; State of South
Carolina; Hampton Regional Medical Center; Allendale
County Hospital

Defendant(s)

Submitted By: Eric Alan SandersAddress: 262 Eastgate Drive, PMB # 501, Aiken, SC 29803

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP-

2023 JUL 25 PM 1:03
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.RICHLAND COUNTY
FILED

SC Bar #:

Telephone #: 803-412-2982

Fax #:

Other:

E-mail: eric.store416@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☒ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Fraud/Bad Faith (150)
<input type="checkbox"/> Failure to Deliver/
Warranty (160)
<input type="checkbox"/> Employment Discrim (170)
<input type="checkbox"/> Employment (180)
<input type="checkbox"/> Other (199) _____
Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) _____ | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) _____
Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) _____ | Torts - Personal Injury
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input checked="" type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
<input type="checkbox"/> Other (399) _____
Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured
Settlement Payment Rights
Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers
Compensation Settlement
Approval (780)
<input type="checkbox"/> Incapacitated Adult
Settlement (790)
<input type="checkbox"/> Other (799) _____ | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) _____
Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991)
<input checked="" type="checkbox"/> Other (999) _____ |
|---|--|---|--|
- Special/Complex /Other**
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)
☐ Medical (620) ☐ Out-of State Depositions (650)
☐ Other (699) _____ ☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)

Submitting Party Signature: Eric A. Sanders

SCCA / 234 (04/2021)

Date: 7/19/23

Page 1 of 3

Ex. A

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

2023CP4003856

ERIC ALAN SANDERS
262 Eastgate Drive PMB # 501
Aiken, SC 29803,
Plaintiff

Vs.

IN THE 5TH JUDICIAL CIRCUIT

COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA

SOUTH CAROLINA
DEPARTMENT OF REVENUE;
ALLENDALE COUNTY
HOSPITAL; HAMPTON
REGIONAL MEDICAL
CENTER; STATE OF SOUTH
CAROLINA
DEFENDANT

CASE NO.

JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

2023 JUL 25 PM 1:03

RICHLAND COUNTY
FILED

SUMMONS

TO: ALLENDALE COUNTY HOSPITAL

YOU ARE HEREBY SUMMONED and required to answer to the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff at 262 Eastgate Drive, PMB # 501, Aiken, SC 29803 within thirty (30) days after service hereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, judgment will be rendered against you for the relief demand in the Complaint.

Dated at Barnwell, South Carolina, the 22th of July, 2023

Eric Alan Sanders
Eric Alan Sanders

7/22/23
Date

Place: Eric Alan Sanders
262 Eastgate Drive
PMB # 501
Aiken, SC 29803

ERIC ALAN SANDERS
262 Eastgate Drive PMB # 501
Aiken, SC 29803,
Plaintiff

Vs.

SOUTH CAROLINA
DEPARTMENT OF REVENUE;
ALLENDALE COUNTY
HOSPITAL; HAMPTON
REGIONAL MEDICAL
CENTER; STATE OF SOUTH
CAROLINA
DEFENDANT

IN THE 5TH JUDICIAL CIRCUIT

COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA

CASE NO. _____

2023 JUL 25 PM 1:03
JEANETTE W. MCBRIDE
C.C.P., G.S. & F.C.

RICHLAND COUNTY
FILED

SUMMONS

TO: HAMPTON REGIONAL MEDICAL CENTER

YOU ARE HEREBY SUMMONED and required to answer to the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff at 262 Eastgate Drive, PMB # 501, Aiken, SC 29803 within thirty (30) days after service hereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, judgment will be rendered against you for the relief demand in the Complaint.

Dated at Barnwell, South Carolina, the 22th of July, 2023

Eric Alan Sanders

Eric Alan Sanders

7/22/23

Date

Place: Eric Alan Sanders
262 Eastgate Drive
PMB # 501
Aiken, SC 29803

ERIC ALAN SANDERS
262 Eastgate Drive PMB # 501
Aiken, SC 29803,
Plaintiff

Vs.

IN THE 5TH JUDICIAL CIRCUIT

COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA

SOUTH CAROLINA
DEPARTMENT OF REVENUE;
ALLENDALE COUNTY
HOSPITAL; HAMPTON
REGIONAL MEDICAL
CENTER; STATE OF SOUTH
CAROLINA
DEFENDANT

CASE NO.

2023 JUL 25 PM 1:03
JEANETTE W. McBRIDE
Clerk, G.S., S.C.C.

RICHLAND COUNTY
FILED

SUMMONS

TO: SOUTH CAROLINA DEPARTMENT OF REVENUE

YOU ARE HEREBY SUMMONED and required to answer to the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff at 262 Eastgate Drive, PMB # 501, Aiken, SC 29803 within thirty (30) days after service hereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, judgment will be rendered against you for the relief demand in the Complaint.

Dated at Barnwell, South Carolina, the 22th of July, 2023


Eric Alan Sanders

7/22/23
Date

Place: Eric Alan Sanders
262 Eastgate Drive
PMB # 501
Aiken, SC 29803

ERIC ALAN SANDERS
262 Eastgate Drive PMB # 501
Aiken, SC 29803,
Plaintiff

Vs.

SOUTH CAROLINA
DEPARTMENT OF REVENUE;
ALLENDALE COUNTY
HOSPITAL; HAMPTON
REGIONAL MEDICAL
CENTER; STATE OF SOUTH
CAROLINA
DEFENDANT

IN THE 5TH JUDICIAL CIRCUIT

COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA

CASE NO.

2023 JUL 25 PM 1:03
JEANNETTE W. McBRIDE
C.C.P., G.S., & F.C.


RICHLAND COUNTY
FILED

SUMMONS

TO: STATE OF SOUTH CAROLINA

YOU ARE HEREBY SUMMONED and required to answer to the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff at 262 Eastgate Drive, PMB # 501, Aiken, SC 29803 within thirty (30) days after service hereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, judgment will be rendered against you for the relief demand in the Complaint.

Dated at Barnwell, South Carolina, the 22th of July, 2023


Eric Alan Sanders

7/22/23
Date

Place: Eric Alan Sanders
262 Eastgate Drive
PMB # 501
Aiken, SC 29803

2023CP40035

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
COMPLAINT

2023-CP-00-

(JURY TRIAL DEMANDED)

COUNT: CONSTITUTIONAL CHALLENGE TO S.C. CODE SC Code § 12-56-62 (2013)

COUNT: DEPRIVATION OF PROPERTY WITHOUT DUE PROCESS OF LAW

(U.S. Const. amend. XIV, § 1; S.C. Const. art. I, § 3)

COUNT: VIOLATION OF THE EQUAL PROTECTION CLAUSE

(U.S. Const. amend. XIV, § 1; S.C. Const. art. I, § 3)

COUNT: VIOLATION OF EXCESSIVE FINE CLAUSE/WRONGFUL

ATTACHMENT/CRUEL AND UNUSUAL PUNISHMENT

(U.S. Const. amend. VIII, § 1; S.C. Const. art. I, § 15)

COUNT: VIOLATION OF THE TAXPAYER'S BILL OF RIGHT: REFUSAL TO

RELEASE A LEVY DUE TO HARDSHIP

(SC Code § 12-58-120 (2016))

COUNT: ABUSE OF PROCESS

COUNT: CIVIL CONSPIRACY

COUNT: NEGLIGENCE PER SE

ERIC ALAN SANDERS,

vs.

SOUTH CAROLINA DEPARTMENT OF
REVENUE; HAMPTON REGIONAL
MEDICAL CENTER; ALLENDALE
COUNTY HOSPITAL; STATE OF SOUTH
CAROLINA

DEFENDANT(S)

Now comes the Plaintiff praying to the Court to declare unconstitutional, under U.S.
Const. amend. XIV, § 1 and S.C. Const. art. I, § 3, etc., SC Code § 12-56-62 (2013). The

COMPLAINT: CASE NO. 2023-CP-00-00000

JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

2023 JUL 25 PM 1:03

RICHLAND COUNTY
FILED

1 Plaintiff moves the Court to enjoin Defendant South Carolina Department of Revenue from
2 levying his wages until this matter is decided.

3 PARTIES

4 1. That at all times material, Plaintiff Eric Alan Sanders is a citizen and resident of
5 Barnwell, Barnwell County, South Carolina and the Plaintiff still resides within the State of
6 South Carolina.

7 2. That at all times material, Defendant South Carolina Department of Revenue has
8 its principal place of business in Columbia, Richland County, South Carolina.

9 3. That at all times material, Defendant Hampton Regional Medical Center is a
10 claimant agency with its principle place of business in Hampton County, South Carolina.

11 4. That at all times material, Defendant Allendale County Hospital is a claimant
12 agency with its principle place of business in Allendale County, South Carolina.

13 STATEMENT OF FACTS

14 5. That Plaintiff voluntarily submitted a change of address form and his 2021 and
15 2022 W-2's to Defendant South Carolina Department of Revenue, via e-mail, on February 8,
16 2023.

17 6. That Plaintiff never received any notice from Defendants and claimant agencies
18 Hampton Regional Medical Center or Allendale County Hospital notifying him of their intention
19 to set off his debt through his state income tax or a levy of his wages and the United States Postal
20 Services "Informed Delivery" feature materializes that no such notices were ever sent to the
21 Plaintiff's physical address or the address on file with the claimant agencies.

22 7. That the Plaintiff relied on a misrepresentation, on February 8, 2023, by an agent
23 of Defendant South Carolina Department of Revenue that the Department only needed the
24 Plaintiff's 2021 and 2022 W-2's to complete a necessary "ID Verify Quiz."

25 COMPLAINT: _____ CASE NO. 2023-CP-00-00000
26 _____
27 _____
28 _____

1 8. That on February 6, 2023 seized the Plaintiff's 2022 Individual Income Tax
2 Refund in the amount of \$820.00.

3 9. That on February 8, 2023, Defendant South Carolina adjusted the Plaintiff's 2021
4 Individual Income Tax Refund in the amount of \$430.44.

5 10. That on May 1, 2023, the Plaintiff filed a wrongful death/medical
6 malpractice/survival action, involving the Plaintiff's deceased mother, against Defendant and
7 claimant agency Hampton Regional Medical Center.

8 11. That on June 2nd, 2023, Defendant South Carolina Department of Revenue issued
9 a Tax Levy (Case ID: 1037320) to the Plaintiff's employer to withhold 25 percent of the
10 Plaintiff's wages, on behalf of Defendants and claimant agencies Hampton Regional Medical
11 Center and Allendale County Hospital.

12 12. At the time of this writing, Defendant South Carolina Department of Revenue has
13 received \$900 as a result of the levy.

14 13. That on Thursday, July 6, 2023, the Plaintiff appealed and protested the set off of
15 his individual tax returns to Defendants Hampton Regional Medical Center and South Carolina
16 Department of Revenue via certified mail and notifying both that the levy was a financial
17 hardship on the Plaintiff.

18 14. That on July 17, 2023, Jean Funches, agent of South Carolina Department of
19 Revenue's Tax Payer Advocate Division, notified the Plaintiff that Defendant South Carolina
20 Department of Revenue has taken a "hard and fast" position that Defendant will not allow the
21 Plaintiff a payment plan and will not release the levy.

22 **COUNT I: CONSTITUTIONAL CHALLENGE TO S.C. CODE SC Code § 12-56-**
23 **62 (2013)**

24 15. That each and every allegation of Paragraphs ¶1 through ¶14 above is hereby
25 realleged and reiterated as if fully set out herein.

26 COMPLAINT: _____ CASE NO. 2023-CP-00-00000
27 _____
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1 16. That SC Code § 12-56-62 (2013) is unreasonable, arbitrary and capricious,
2 and unconstitutional.

3 17. That SC Code § 12-56-62 (2013) is unreasonable and unconstitutional
4 because it states “certification by the claimant agency that the notice has been sent is
5 presumptive proof that the requirements as to notice are met, *even if the notice actually*
6 *has not been received by the debtor.*”

7 18. That SC Code § 12-56-62 (2013) is unconstitutional and unreasonable
8 because it allows a claimant agency and the Department to set off a debt owed by a
9 debtor, even when the notice “actually has not been received by the debtor.

10 19. That SC Code § 12-56-62 (2013) is unconstitutional because it denies
11 procedural due process before depriving certain debtors of property without adequate
12 notice.

13 20. That SC Code § 12-56-62 (2013) is arbitrary and capricious because it, on
14 the one hand, requires the notice to “include a statement of appeal procedures to the
15 debtor”, while on the other hand, not requiring the notice containing the appeal
16 procedures available to the debtor to be received by the debtor.

17 21. That SC Code § 12-56-62 (2013) is arbitrary and capricious because SC
18 Code § 12-56-63 (2013) mandates that if a debtor wishes to protest a set off, the debtor
19 “shall file a written protest with the claimant agency at the address provided in the
20 claimant agency's notification of intention to set off; however, if the notice is not actually
21 received by the debtor, the debtor, who may owe various debts to a number of claimant
22 agencies, will be deprived of essential identifying information – identity of the specific
23 claimant agency requesting set off and their address – to file a protest with the claimant
24 agency.

25 COMPLAINT: _____ CASE NO. 2023-CP-00-00000
26 _____
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28

22. That SC Code § 12-56-62 (2013) is arbitrary and capricious because SC Code § 12-56-63 (2013) states the “requirement of this section is jurisdictional... the protest must be filed within thirty days of the date of the notice of intention to set off”; however, a debtor wishing to protest the set off will be unable to comply with because, without receiving notice of the intention to set off the debt, they will be unable to discern the deadline for filing a protest. They will only receive actual notice of the set off as a result of the set off and, thus, not be able to meet the jurisdictional and timeliness requirements of SC Code § 12-56-63 (2013).

COUNT II – DEPRIVATION OF PROPERTY WITHOUT DUE PROCESS OF LAW
(U.S. Const. amend. XIV, § 1; S.C. Const. art. I, § 3)

23. That each and every allegation of Paragraphs ¶1 through ¶22 above is hereby realleged and reiterated as if fully set out herein.

24. That the Plaintiff was denied procedural due process; specifically, adequate and timely notice of the claimant agencies intention to set off the alleged debt owed to them and was denied an opportunity to timely protest the set off under SC Code § 12-56-63 (2013).

25. That the Plaintiff has suffered prejudice because he was not able to establish a payment plan with the claimant agencies to avoid set off.

26. That the Plaintiff has suffered financial hardship, emotional distress, and the loss of property, \$1,600 in state income tax returns and wages.

COUNT II – VIOLATION OF THE EQUAL PROTECTION CLAUSE
(U.S. Const. amend. XIV, § 1; S.C. Const. art. I, § 3)

27. That each and every allegation of Paragraphs ¶1 through ¶26 above is hereby realleged and reiterated as if fully set out herein.

28. That the Plaintiff has not been given equal protection of the laws, been denied equal protection under SC Code § 12-56-63 (2013) as other debtors who actual receive notice of intention to set off debts from claimant agencies and suffered prejudice in that he was denied the opportunity to timely protest the intention to set off and was denied the ability to establish a payment plan.

**COUNT III - VIOLATION OF THE TAXPAYER'S BILL OF RIGHT:
REFUSAL TO RELEASE A LEVY DUE TO HARDSHIP
(SC Code § 12-58-120 (2016))**

29. That each and every allegation of Paragraphs ¶1 through ¶28 above is hereby realleged and reiterated as if fully set out herein.

30. That the Plaintiff is being further prejudiced and suffering irreparable harm because Defendant is refusing to release the levy of 25 percent of his gross wages after being notified it is causing the Plaintiff financial hardship.

31. That as a result of the levy, the Plaintiff is unable to afford basic necessities such as food and clothing, to support his 3 children, to pay monthly bills totaling \$900, is in danger of not being able to pay property taxes, not being able to maintain his only source of transportation to gainful employment which is in need of extensive repairs to its catalytic converter, body control module, electrical system, and puts him in danger of losing his job.

**COUNT IV - VIOLATION OF EXCESSIVE FINE CLAUSE/WRONGFUL
ATTACHMENT/CRUEL AND UNUSUAL PUNISHMENT
(U.S. Const. amend. VIII, § 1; S.C. Const. art. I, § 15)**

32. That each and every allegation of Paragraphs ¶1 through ¶31 above is hereby realleged and reiterated as if fully set out herein.

33. That Plaintiff's is suffering irreparable harm as his constitutional rights to be free of excessive fines, cruel and unusual punishment are being violated on a bi-weekly basis and he is being denied 25 percent of his gross wages.

COMPLAINT: _____ CASE NO. 2023-CP-00-00000

COUNT V: ABUSE OF PROCESS

34. That each and every allegation of Paragraphs ¶1 through ¶33 above is hereby realleged and reiterated as if fully set out herein.

35. That Defendant Hampton Regional Medical Center has an ulterior motive in seeking set off: namely, to retaliate against the Plaintiff for filing a wrongful death suit and medical malpractice suit against it relating to the untimely death of his mother, the decedent Linda Sharon Sanders, on May 1, 2023 – 30 days before it and Defendant South Carolina Department of Revenue submitted a levy to the Plaintiff's employer.

36. That Defendant Hampton Regional Medical Center is using the set off process to obtain a collateral benefit – to punish the Plaintiff, to reduce his ability to prosecute his claim against Defendant, reduce his ability to file motions that costs \$25.00 each, to reduce his ability service documents, respond to its motions, etc. and to use the set off/levy as a club to threaten, intimidate, and exhort the Plaintiff of his property - \$300 from each bi-weekly paycheck.

COUNT VI: CIVIL CONSPIRACY

37. That each and every allegation of Paragraphs ¶1 through ¶36 above is hereby realleged and reiterated as if fully set out herein.

38. That Defendant Hampton Regional Medical Center used its connections with Defendant Allendale County Hospital and Defendant South Carolina Department of Revenue to induce them into a civil conspiracy to retaliate against the Plaintiff for filing a wrongful death suit against Defendant Hampton Regional Medical Center and to damage the Plaintiff financially and emotionally by initiating a set off of his individual tax returns and a 25 percent levy of his gross wages, with no option for a payment plan.

COUNT VII: NEGLIGENCE PER SE

COMPLAINT: _____ CASE NO. 2023-CP-00-00000

1 39. That each and every allegation of Paragraphs ¶1 through ¶38 above is hereby
2 realleged and reiterated as if fully set out herein.

3 40. That SC Code § 12-58-120 (2016) of the Taxpayers' Bill of Rights specific
4 purpose is to protect taxpayers from levies that cause financial hardship.

5 41. That SC Code § 12-58-120 (2016) of the Taxpayers' Bill of Rights imposes on
6 Defendant South Carolina Department of Revenue a duty to guard against or not cause harm to
7 taxpayers by issuing or continuing levies that cause financial hardship to taxpayers.

8 42. That SC Code § 12-58-120 (2016) of the Taxpayers' Bill of Rights intends to
9 protect taxpayers from levies causing financial hardship and this is identifiable before the fact.

10 43. That the Plaintiff is a taxpayer whose wages is being garnished at 25 percent rate
11 and the levy is causing financial hardship.

12 44. That Defendant South Carolina Department of Revenue has been put on notice by
13 the Plaintiff that the levy is causing a financial hardship and knows the likelihood of harm to
14 Plaintiff and other taxpayers if it fails to release the levy.

15 45. That Defendant South Carolina Department of Revenue is given sufficient
16 authority to release a levy causing financial hardship to a taxpayer.

17 46. That Defendant South Carolina Department of Revenue has failed to protect the
18 Plaintiff, upon being informed it is causing a hardship, to release the levy of 25 percent of the
19 Plaintiff's wages.

20
21
22 **DAMAGES**

23
24 WHEREFORE, the Plaintiff prays for judgment against Defendants Hampton Regional
25 Medical Center and Allendale County Hospital for actual pecuniary and monetary damages, pain
26 and suffering, loss of sleep, loss of enjoyment of life; emotional distress, loss of wages, and for
27

28 COMPLAINT: _____ CASE NO. 2023-CP-00-00000

1 punitive damages in the amount of \$500,000 the cost of this action, filing fees, service fees,
2 attorney fees, and for such other and further relief as this Court may deem just and proper.

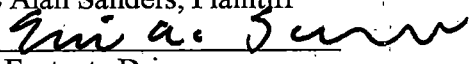
3 The Plaintiff prays for declaratory and injunctive relief against Defendant South Carolina
4 Department of Revenue to declare its actions unconstitutional, that it has violated the Plaintiff's
5 Federal and state Constitutional rights and to declare SC Code § 12-56-62 (2013)
6 unconstitutional.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, the Plaintiff prays for the Court to enter judgment against Defendants
9 Hampton Regional Medical Center, Allendale County Hospital, and South Carolina Department
10 of Revenue.
11

12 PLAINTIFF SO MOVES.
13
14
15
16
17

18 Eric Alan Sanders, Plaintiff

19 
20 262 Eastgate Drive
21 PMB# 501
22 Aiken, SC 29803
23 (803) 814-3631

24 July 19, 2023
25
26
27

28 COMPLAINT: _____ CASE NO. 2023-CP-00-00000

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
(JURY TRIAL DEMANDED)

ERIC ALAN SANDERS,

2023-CP-4003856

vs.

AFFIDAVIT OF SERVICE

SOUTH CAROLINA DEPT' OF REVENUE
STATE OF SOUTH CAROLINA
HAMPTON REG' MED' CENTER
ALLENDALE COUNTY HOSPITAL

DEFENDANT(S)

2023 AUG -4 PM 2:55
JEANETTE W. McBRIDE
C.C.R., G.S., & F.C.

RICHLAND COUNTY
FILED

~~AFFIDAVIT~~ OF SERVICE

I HEREBY CERTIFY that a copy of the Plaintiff's Complaint and Summons was served upon Defendant by depositing true and accurate copies thereof via UPS, certified mail, delivery and signature restricted on August 3, 2023, proper postage affixed thereto, addressed as follows:

DAVE HAMILL
Hampton Regional Medical Center
503 Carolina Ave West
Varnville, SC 29944

LARI GOODING
Allendale County Hospital
1787 Allendale-Fairfax Hwy
Fairfax, SC 29827

Affidavit of Service:

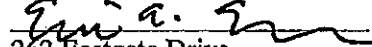
CASE NO. 2023-CP-4003856

1 W. HARTLEY POWELL
2 SC Dept' of Revenue
3 300 A Outlet Pointe Blvd
4 Columbia, SC 29210

5 THE HONORABLE ALAN WILSON
6 1000 ASSEMBLY STREET, ROOM 519
7 COLUMBIA, SC 29201

8 Justice, justice shall you pursue

9 Eric Alan Sanders, Plaintiff

10 
11 262 Eastgate Drive
12 PMB# 501
13 Aiken, SC 29803
14 (803) 814-3631

15 August 3, 2023

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27
28 Affidavit of Service: _____ CASE NO. 2023-CP-4003856

SHIP DATE:
THUR 3 AUG 2023

EXPECTED DELIVERY DATE:
FRI 4 AUG 2023 EOD

SHIP FROM:
ERIC ALAN SANDERS
262 EAST GATE DRIVE
PMB #501
AIKEN SC 29803

(803) 412-2982

SHIP TO:
ALAN WILSON
REMBERT DENNIS BUILDING
1000 ASSEMBLY ST
RM 519
COLUMBIA SC 29201-3146
BUSINESS

SHIPPED THROUGH:
THE UPS STORE #2658
AIKEN, SC 29803
(803) 642-0069

SHIPMENT INFORMATION:

UPS GROUND COMMERCIAL

0 lb 4.8 oz actual wt

1.000 lb billable wt

DIMS: 16.00X12.00X1.00 IN

100.00

ADULT SIG REQ (W/DELU CONFIRM)

TRACKING NUMBER: 1Z115570A845974239

SHIPMENT ID: MMQ153CH1UP17

SHIP REF 1: -

SHIP REF 2: JN

DESCRIPTION OF GOODS:

DOCUMENTS

SHIPMENT CHARGES:

GROUND COMMERCIAL

11.76

SERVICE OPTIONS

8.85

CHS PROCESSING FEE

0.22

TOTAL

\$20.83

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING, ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.
 NEED PACKAGE HELP? (LOST/DAMAGED). PROVIDE DETAILS SO WE CAN HELP:
[HTTPS://ONLINE.UPSCAPITAL.COM/TCCP](https://ONLINE.UPSCAPITAL.COM/TCCP)

CUSTOMER ACKNOWLEDGEMENT: I ACKNOWLEDGE AND ACCEPT TERMS & CONDITIONS IN FORCE
 FOR TENDERING SHIPMENTS THROUGH THIS LOCATION AND CERTIFY THAT ADDRESS, CONTENTS
 AND VALUES PROVIDED FOR THIS SHIPMENT ARE ACCURATE IN ALL RESPECTS.

Signature:

SHIPMENTID: MMQ153CH1UP17



SHIP DATE:
THUR 3 AUG 2023

EXPECTED DELIVERY DATE:
FRI 4 AUG 2023 EOD

SHIP FROM:
ERIC ALAN SANDERS
262 EAST GATE DRIVE
PMB #501
AIKEN SC 29803

(803) 412-2982

SHIP TO:
LARI GOODING
ALLENDALE COUNTY HOSPITAL
1787 ALLENDALE FAIRFAX HWY
FAIRFAX SC 29827-9133
BUSINESS

SHIPPED THROUGH:
THE UPS STORE #2658
AIKEN, SC 29803
(803) 642-0069

SHIPMENT INFORMATION:

UPS GROUND COMMERCIAL

0 lb 3.0 oz actual wt

1.000 lb billable wt

DIMS: 16.00X12.00X1.00 IN

= 100.00

ADULT SIG REQ (W/DELU CONFIRM)

TRACKING NUMBER: 1Z115570A812638431

SHIPMENT ID: MMQ153C1ATD21

SHIP REF 1: - -

SHIP REF 2: JN

DESCRIPTION OF GOODS:

DOCUMENTS

SHIPMENT CHARGES:

GROUND COMMERCIAL

16.36

SERVICE OPTIONS

8.85

CHS PROCESSING FEE

0.22

TOTAL

\$25.43

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING, ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.
 NEED PACKAGE HELP? (LOST/DAMAGED). PROVIDE DETAILS SO WE CAN HELP!
[HTTPS://ONLINE.UPSCAPITAL.COM/TCCP](https://ONLINE.UPSCAPITAL.COM/TCCP)

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Signature:

SHIPMENTID: MMQ153C1ATD21



THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
THUR 3 AUG 2023**EXPECTED DELIVERY DATE:**
FRI 4 AUG 2023 EOD**SHIP FROM:**
ERIC ALAN SANDERS
262 EAST GATE DRIVE
PHB #501
AIKEN SC 29803

(803) 412-2982

SHIP TO:
DAVE HAMILL
C/O
503 W CAROLINA AVE
VARNVILLE SC 29944-4735
BUSINESS**SHIPPED THROUGH:**
THE UPS STORE #2658
AIKEN, SC 29803
(803) 842-0069**SHIPMENT INFORMATION:**

UPS GROUND COMMERCIAL

0 lb 3.0 oz actual wt

1.000 lb billable wt

DIMS: 16.00X12.00X1.00 IN

= 100.00

ADULT SIG REQ (H/DELU CONFIRM)

TRACKING NUMBER: 1Z115570A045969290**SHIPMENT ID:** MMQ153CBJYKRX**SHIP REF 1:** - -**SHIP REF 2:** JN**DESCRIPTION OF GOODS:**
DOCUMENTS**SHIPMENT CHARGES:**

GROUND COMMERCIAL

16.36

SERVICE OPTIONS

8.85

CMS PROCESSING FEE

0.22

TOTAL**\$25.49**

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING, ENTER SHIPMENT ID #) SHIPMENT
QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.
NEED PACKAGE HELP? (LOST/DAMAGED). PROVIDE DETAILS SO WE CAN HELP!
[HTTPS://ONLINE.UPSCAPITAL.COM/TCCP](https://ONLINE.UPSCAPITAL.COM/TCCP)

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Signature:**SHIPMENTID:** MMQ153CBJYKRX

SHIP DATE:
THUR 3 AUG 2023

EXPECTED DELIVERY DATE:
FRI 4 AUG 2023 EOD
SHIP FROM:
ERIC ALAN SANDERS
262 EAST GATE DRIVE
PMB #501
AIKEN SC 29803

(803) 412-2982

SHIP TO:
W HARTLEY POWELL
C/O
300 A OUTLET POINT BLVD
COLUMBIA SC 29214-0003
BUSINESS

SHIPPED THROUGH:
THE UPS STORE #2658
AIKEN, SC 29803
(803) 642-0069

SHIPMENT INFORMATION:
UPS GROUND COMMERCIAL
0 lb 3.0 oz actual wt
1.000 lb billable wt
DIMS: 16.00X12.00X1.00 IN
= 100.00
ADULT SIG REQ (W/DELU CONFIRM)

TRACKING NUMBER: 1Z115570A045966828
SHIPMENT ID: MMQ153C5UJG7F
SHIP REF 1: - -
SHIP REF 2: JN

DESCRIPTION OF GOODS:
DOCUMENTS

SHIPMENT CHARGES:	
GROUND COMMERCIAL	11.76
SERVICE OPTIONS	8.85
CHS PROCESSING FEE	0.22

TOTAL	\$20.83
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[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING, ENTER SHIPMENT ID #) SHIPMENT
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Signature:

SHIPMENTID: MMQ153C5UJG7F



STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CIVIL ACTION NO: 2023-CP-40-03856

Eric Alan Sanders,

Plaintiff,

v.

**SOUTH CAROLINA DEPARTMENT OF
REVENUE'S NOTICE OF MOTION
AND MOTION TO DISMISS**

South Carolina Department of Revenue, State of
South Carolina, Hampton Regional Medical
Center, Allendale County Hospital,

Defendant.

(Jury Trial Demanded)

TO: ERIC ALAN SANDERS, PRO SE PLAINTIFF ABOVE-NAMED:

PLEASE TAKE NOTICE that the Defendant, South Carolina Department of Revenue (Department or Defendant), by and through its undersigned attorneys, will, ten (10) days from the date of service of this Motion or at such time as the Court may determine, move the Court for an order pursuant to Rule 12(b)(1), (4), (5), and (6), SCRPC, dismissing the Complaint in this action and all claims asserted therein. In the alternative, if the Department's Motion to Dismiss is denied, the Department moves the Court to change venue of this action to Lexington County pursuant to Rule 12(b)(3), SCRPC. The motions are based on the following grounds:

1. The Plaintiffs' action against the Department should be dismissed pursuant to Rule 12(b)(1), SCRPC, for lack of subject matter jurisdiction. The Revenue Procedures Act (RPA), S.C. Code Ann. § 12-60-10, et al. (Supp. 2011), specifies how actions may be brought against the Department and creates jurisdiction over such disputes in the Administrative Law Court (ALC). In the alternative, the action should be dismissed pursuant to Rule 12(b)(6), for failure to state facts sufficient to constitute a cause of action, inasmuch as the Plaintiffs have failed to exhaust their administrative remedies under the RPA, the Governmental Enterprise Accounts Receivables Program (GEAR), and the Setoff Debt Collection Act (SDCA).
2. The Plaintiffs' Complaint should also be dismissed pursuant to Rule 12(b)(4) and (5), SCRPC, because the Plaintiff has failed to properly serve the Defendant therefore this matter should be dismissed for insufficiency of process and insufficiency of service of process.

3. In the event the Court allows the suit to go forward, Richland County is an improper venue and venue should be transferred to Lexington County pursuant to Rule 12(b)(3), SCRCP, and S.C. Code Ann. § 15-77-50. The Department is a State agency located in Lexington County and the matters of which the Plaintiff complains occurred within Lexington County.

The Department may support its motion with memorandum of law, affidavits, or other information in support at a later time as fixed by the Court.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF REVENUE

s/ Jason P. Luther

Jason P. Luther, Esquire (S.C. Bar No. 78021)

300A Outlet Pointe Boulevard

Columbia, South Carolina 29210

Phone: 803.898.5785

Facsimile: 803.896.0171

E-Mail: Jason.Luther@dor.sc.gov; CourtOrders@dor.sc.gov

Attorney for South Carolina Department of Revenue

Columbia, South Carolina
August 25, 2023